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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,594	10/30/2003	Hiroyuki Nagano	4686-001	7167
23429 7590 04/18/2008 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER HARPER, TRAMAR YONG				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/696,594	Applicant(s) NAGANO, HIROYUKI
Examiner TRAMAR HARPER	Art Unit 3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 8-10 and 20-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) _____.
13. ☐ Other: _____.

/Xuan M. Thai/
Supervisory Patent Examiner
Art Unit: 3714

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed have been fully considered but they are not persuasive. Add-on argument: The applicant submits that because the liquid diverter including bill guide is extending out from the face of the vending machine means that it is a add-on feature. The examiner respectfully disagrees due to the fact that the specification clearly states that the liquid diverter can be used for any machine that accepts currency and there is no disclose stating it as an "add-on" feature. Examiner agrees that the reader would have to be moved back further into the device and rearrangement of the remainder of the associated mechanisms likewise would require rearrangement if not redesign due to the new configuration. However, such rearrangement of parts would have been will within the realm of one of ordinary skill in the art at the time of the invention. There are differences in the liquid diverting techniques of both Parish and Vogt. It appears that Parish discloses a liquid diverter including bill guide that diverts liquid via through apertures 100 and 102 thereby preventing liquid from entering the machine by diverting liquid downwardly. Additionally, the liquid is redirected towards inlet opening 120 e.g. outwardly. Furthermore, a closing channel 126 prevents liquid from entering the machine (col. 4:1-2, 38-44). Parish clearly teaches that dishonest customers attempt to pour liquid into the bill guide slot and into the components of the machine causing electrical shorts and damaging the apparatus and that the liquid diverter is geared towards preventing undesirable electrical conditions and malfunctions from occurring (Col. 1:20-41). It is clear that Parish is drawn towards preventing liquid from entering a machine via aperatures 100 and 102, and additionally outwardly, but as noted applicant states a disadvantage such as liquid collecting on the floor in front of the machine. Such a draw back would make the machine appear undesirable by a user and even dangerous to a user with visible liquid appearing in front of the machine and even possibly on the machine if liquid diverts and progresses on front of the machine from the liquid diverter to the floor. Vogt attempts to the improve such a liquid diverter means by providing a more secure drain guiding means to guarantee that foreign matter would not enter areas where electrical components are contained. Therefore, it would have been obvious to combine such references to alleviate such deficiencies such as the one disclosed by applicant and rearrangement of parts would appear to be mediocre to one skilled in the art one when considering that both references are drawn towards preventing malfunctioning of electrical components. Furthermore, substituting the draining means of Parish with the more confined draining means of Vogt would have been obvious to one of ordinary skill in the art because both provide the same function of diverting liquid from electrical components therefore yielding predictable results. Applicant's arguments in regards to the design choice rational is moot because as previously noted in the last office action, Parish in view of Vogt discloses the bill guide plate and mounting members as separate entities that make up an entire apparatus and that such entities are attached and detached via screws, etc (Parish Figs. 2-10). Therefore, if necessary the parts are capable of being detached and cleaned.